

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTOPHER WHITE and WILLIAM SUITOR,
individually and on behalf of all others similarly
situated,

Plaintiffs,

vs.

Fein, Such & Crane, LLP,

Defendant.

**NOTICE OF MOTION
TO DISMISS**

Civil Action No. 15-cv-00438

PLEASE TAKE NOTICE that Defendant Fein, Such & Crane, LLP will and hereby do move pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) for an order of the Court dismissing the Plaintiff's Complaint in its entirety, to be heard on a date and time to be determined by the Court at the United States District Court for the Western District of New York, 2 Niagara Square, Buffalo, New York.

This motion is based on this Notice of Motion, the Affidavit of David P. Case, sworn to July 7, 2015 with Exhibits 1 through 10, and the accompanying Memorandum of Law filed herewith, dated July 9, 2015.

Defendants intend to submit a reply to any response/opposition by the Plaintiff.

DATED: July 9, 2015

BARCLAY DAMON, LLP

By: /s/ Dennis R. McCoy

Dennis R. McCoy

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